

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MSC, PRE TRIAL, AND TRIAL REQUIREMENTS
DEPARTMENT 1
JUDICIAL SECRETARY: 951-955-1554

Mandatory Settlement Conference

1. Counsel and unrepresented parties must comply with California Rules of Court, Rule 222.
2. Defendant government agencies must have a representative present with authority to pay up to the amount of plaintiff's demand as disclosed in the settlement conference statement. If legislative approval would be required to pay plaintiff's demand, the agency must have a representative present with authority to commit the agency to a recommendation to the legislative body to pay an amount up to plaintiff's demand.
3. Settlement conference statement must include a general description of the settlement efforts undertaken by the parties, but need not disclose the contents of any settlement negotiations or the amounts discussed.

Pre Trial/Trial

1. Motions *in limine* must be served by personal delivery or fax on all parties and filed with the clerk of Department 1 at least 6 days before the trial (i.e., usually Tuesday for trial beginning the following Monday). Responsive papers must be filed and served at least 1 court day before the trial.

We assume, perhaps naively, that motions *in limine* are selectively tailored to the unique facts of the case and given the time it takes a court to study them, are of significant importance to the conduct of the trial. They are not, like anti-aircraft flak, to be thrown up in vast quantity to harass the enemy. Joyce M. Johnson-Stovall vs Superior Court (1993) 17 Cal. App. 4th 808, 811

2. Counsel and unrepresented parties must meet and confer regarding jury instructions at least 9 days before the trial. At least 6 days before the trial, counsel and unrepresented parties jointly shall submit a complete and fully edited set of jury instructions. Submit CACI instructions to the extent possible. BAJI instructions are not acceptable. The instructions should be arranged in groups, one for instructions agreed on by all parties, a second for those proposed by a defendant and opposed by another party, and so forth. Counsel should read the instructions aloud before submitting them to ensure that there is agreement of gender and number, that syntax is correct, and that they make sense.
3. The parties must deposit the following with the clerk of Department 1 at least 6 days before the trial:
 - (a) A neutral, informative, non-argumentative statement of the case suitable for reading to the jury. Include the basic uncontested facts and, to the extent necessary, the contentions of the parties. Avoid legalisms and technical terms. Use plain English. The court would appreciate a joint statement agreed upon by the parties. In the alternative, with the approval of the court, counsel may make brief, non-argumentative

opening statements during voir dire.

- (b) A joint witness list suitable for reading to the jury.
- (c) A joint exhibit list, including exhibit numbers and columns headed "marked" and "admitted." Exhibits must be numbered, each party taking a block of numbers (e.g., plaintiff will use numbers 1-99, defendant numbers 100-199). Mark each exhibit separately (i.e., avoid marking exhibits "4a, 4b, 4c..."). However, enlarged exhibits may be marked with the number of the exhibit from which they are enlarged and a letter (e.g., "4A").
- (d) The agreement of counsel, or, if there is no agreement, the separate statements of the counsel, regarding the number of jurors (if less than 12), the number of alternates, the number of peremptory challenges for each party as to jurors and as to alternates, the order of exercising peremptory challenges (if there are more than 2 parties), and whether the parties stipulate that if the last alternate juror is required to fill the place of a regular juror and one more juror is unable to complete service, a vote of 9 of 11 will constitute a verdict.
- (e) A statement of the times during the anticipated duration of the case and 4 days thereafter when counsel or any witness will be unavailable for trial and the reasons for unavailability.

Items described in paragraphs 2, and 3(d) are not required for non-jury trials. Motions *in limine* should rarely be necessary in non-jury trials.

- 4. Call the clerk of Department 1 (Madeline Martinez, (951) 955-1403) on Thursday afternoon or Friday before the trial date to determine whether the court will be available to try the case. If the court will be otherwise occupied, you will be placed on 24-hour call (unless you make other arrangements because of the time necessary to travel to the court), and the case will be trailed from day to day for up to 4 days. If, as sometimes happens, the case is not called for trial within 3 days of the date it is set, the clerk will call you to arrange a new trial date.
- 5. All exhibits must be pre-marked with exhibit tags which counsel may obtain from the clerk. Do not wait until the morning of trial to do this. Documentary exhibits and photographs (8 1/2" x 12" or smaller) are to be placed in loose-leaf binder with numbered dividers. The binders will remain at the witness stand, and it should rarely be necessary for counsel to approach the witness. Counsel are to exchange copies of the exhibits, correctly numbered, before trial commences or stipulate that each has received copies. The court requests that counsel provide a bench copy of the exhibits.
- 6. If a party intends to read from depositions during trial, the original transcripts or stipulated copies must be lodged with the court on the first day of trial.
- 7. Except in extremely unusual circumstances, the court does not permit counsel to pass photographs or other exhibits among the jurors before the jurors retire to deliberate.
- 8. Court will normally be in session Monday through Thursday from 9:30 a.m. to noon and from 1:30 p.m. to 4:20 p.m. Counsel should anticipate the need for hearings outside the presence of the jury and should schedule those hearings with the court well in advance. The hearings will normally be held between 1:15 p.m. and 1:30 p.m., or after 4:20 p.m.

9. *Do not run out of witnesses* before the trial day concludes. Before 4:20 p.m. each day of trial, counsel must inform all opposing counsel of the names of witnesses he or she intends to call the next day. The court expects that counsel will extend to one another the courtesy of calling witnesses out of order to accommodate the witnesses' schedules and to utilize the time available when a witness is delayed. However, it is the responsibility of each attorney to present evidence efficiently and continuously until his or her side rests.
10. If you would like to request realtime hook-up, daily transcripts, or daily unedited ASCII disks, arrangements must be made in advance with the reporter at (951) 955-1456.

Note: Jury fees of \$150 are to be deposited with the Court 25 days before the Trial Date. Each counsel is to bring 2 checks, 1 for court reporter fees and 1 for jury fees on first day of trial. Court reporter fees are \$472 per day (\$236 per half day). Jury fees are determined after first day of trial